

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

JUAN ESCANO,
Charging Party

-v-

CITY OF POLSON,
Respondent

HRB CASE NO. 0220405

ORDER
FINAL AGENCY DECISION

On **November 16, 2022**, the Human Rights Bureau of the Department of Labor and Industry (the Department) issued a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue (Notice of Dismissal) in the above-captioned matter. On **December 1, 2022**, the Human Rights Commission (Commission) received the objection of Charging Party, Juan Escano (Escano), to the dismissal of his claim. Pursuant to Mont. Code Ann. § 49-2-511(1), a party may seek review by the Commission by filing an objection to the dismissal within fourteen (14) days after the issuance of a Notice of Dismissal. Filing with the Commission is effective upon actual receipt at its offices and not upon mailing. Admin. R. Mont. 24.9.112(6). If the 14-day deadline is not met, a decision of the Commission to dismiss a complaint is final.

In this case, the Notice of Dismissal was issued on **November 16, 2022**, as indicated by its certificate of service. The deadline to file an objection was **November 30, 2022**. Escano's objection was received by the Commission on **December 1, 2022**, one (1) day after the deadline to file his objection. Escano's objection is therefore untimely.

Therefore, IT IS HEREBY ORDERED, that Escano's objection is DISMISSED.

If a charging party chooses to commence a civil action in district court on the claims addressed in the complaint, the charging party has 90 days after the date of issuance of the Notice of Dismissal to file a complaint in the district where the alleged violation occurred. Mont. Code Ann. § 49-2-511(3)(a). *This order does not alter or extend that right.* If a charging party fails to commence a civil action within 90 days, the claims are barred. *Id.*

Alternatively, if a party chooses to seek judicial review of this order dismissing the action, the charging party has 30 days after the date of this order to file a petition for judicial review in district court. Mont. Code Ann. §§ 49-2-511(3)(b), 2-4-702. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. Mont. Code Ann. § 2-4-702(2).

DATED this 5th day of December 2022.



Peter M. Damrow, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 5th day of December 2022.

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